

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILL O. KING

Plaintiff,

v.

KYLEMA JACKSON, Individually and in
His Official Capacity as a City of Atlanta
Police Officer and the CITY OF ATLANTA

Defendants.

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CIVIL ACTION NO.
1:15-CV-0583-TWT

CITY OF ATLANTA’S MOTION TO STAY DISCOVERY

COME NOW Defendant City of Atlanta (“City”) and moves this Court to stay discovery until the Court issues a ruling on Defendant City of Atlanta’s Motion to Dismiss. In support of this Motion, City of Atlanta shows as follows:

ARGUMENT AND CITATION

The power to stay a proceeding is “incidental to the power inherent in every court to control the disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for litigants.”¹ A district court therefore has broad discretionary authority in determining whether a stay is appropriate.² In making its

¹ *Landis v. North American Co.*, 299 U.S. 248, 254, 57 S.Ct. 163, 81 L.Ed. 153 (1936).

² *CTI-Container Leasing Corp. v. Uiterwyk Corp.*, 685 F.2d 1284, 1288 (11th Cir.1982); *see also Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1366 (11th

determination, a court may consider the prudential advantages of a stay, “but must also examine the relative prejudice and hardship worked on each party if a stay is or is not granted.”³

Clearly, much of the time and cost of a lawsuit is incurred in the discovery phase of the case. Plaintiff has already served Requests for Admissions with 212 requests (plus subparts). In addition, Plaintiff has served numerous Request for Production with similar subparts. It would be prudent to not subject the City of Atlanta to such time and cost demands until after the Court has determined whether claims made by Plaintiff should be dismissed because they are barred by law. The parties’ time and resources will be needlessly wasted if discovery continues on all of the claims brought by Plaintiff. A ruling on City of Atlanta’s Motion to Dismiss will resolve the legal issues in this case and obviate the need to do discovery. Moreover, Plaintiff will not be prejudiced by the granting of this Motion, as no harmful action is being taken against it by City of Atlanta pending the outcome of this litigation.

CONCLUSION

For the foregoing reasons, City of Atlanta prays that its Motion to Stay Discovery be granted until the Court rules on its Motion to Dismiss.

Cir.1997) (“[D]istrict courts enjoy broad discretion in deciding how best to manage the case before them.”).

³ *Dise v. Express Marine, Inc.*, No. 08-1227, 2008 WL 2163920, at *3 (S.D.Ala. May 19, 2008).

CERTIFICATION

Counsel for City of Atlanta certifies that this brief has been prepared with Times New Roman font, 14 point, and therefore it complies with the requirements of L.R. 5.1(C).

Respectfully submitted, this 21st day of May, 2015.

/s/ LaShawn W. Terry

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2015, I electronically filed a copy of City of Atlanta's Motion to Stay Discovery with the Clerk of Court using the CM/ECF system which will automatically send notification of such filing to all counsel of record.

/s/ LaShawn W. Terry
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